

**32004**

**SERVICE DATE - JULY 31, 2001**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-318 (Sub-No. 5X)**

**Louisiana & Delta Railroad, Inc. - Abandonment Exemption - In Iberia Parish, Louisiana**

**BACKGROUND**

In this proceeding, Louisiana & Delta Railroad, Inc. (LDR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a portion of the Salt Mine Branch railroad line from Milepost 6.72 to Milepost 9.8. The line is located in Iberia Parish, Louisiana and spans 3.08 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to LDR, there has been no local or overhead traffic on the line for at least two years. LDR describes the area surrounding the line as primarily swampy and rural. The line crosses Avery Island, and passes over a sea marsh and two canals.

LDR states that “the 255 foot open-deck timber trestle located at milepost 8.08, near Avery Island, will at least temporarily remain in place at the request of the island’s owner who may apply to the U.S. [Army] Corps of Engineers to use the trestle as an erosion and flood control device” and that “some portion of the track bed and the 30 foot timber trestle located at MP 6.91 will also remain in place at the request of the island’s owner for use as an alternate evacuation route in case of a flood and/or hurricane.”

**ENVIRONMENTAL REVIEW**

LDR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. LDR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Avery Island contains a bird sanctuary that Egrets use as a nesting area. Although LDR

believes that the proposed abandonment would be beneficial to the sanctuary by protecting the nesting area from future rail disturbance, the U.S. Fish and Wildlife Service has not completed its evaluation of the proposed project.

The State of Louisiana Department of Environmental Quality, Office of Environmental Service (OES) has submitted comments recommending that LDR contact the U.S. Army Corps of Engineers (Corps) to determine whether Corps permits are required, and if Corps permits are required, determine whether OES Water Quality Certification is also required; determine whether a Louisiana Pollutant Discharge Elimination System permit is needed; and determine whether a Department of Environmental Quality stormwater general permit is required. OES also recommends that LDR take precautions to protect the groundwater of the region and to control nonpoint source pollution from salvage activities.

The State of Louisiana Department of Natural Resources, Coastal Management Division has indicated that LDR needs to submit a Consistency Certification stating that the proposed abandonment is consistent with the Louisiana Coastal Resources Program.

According to LDR, the U.S. Army Corps of Engineers has indicated that it is examining the proposed abandonment and LDR's proposed salvage activities to determine whether Corps permits will be required.

The Louisiana Department of Culture, Recreation and Tourism has submitted comments indicating that no known archeological sites or historic properties will be affected by the proposed abandonment.

## **CONDITIONS**

We recommend the following conditions be placed on any decision granting abandonment authority:

- 1. The U.S. Fish and Wildlife Service (FWS) has not yet completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Louisiana & Delta Railroad, Inc. from salvaging or disposing of the entire right-of-way until FWS has completed its review and pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1531.**
- 2. The U.S. Environmental Protection Agency, Region 6 (EPA), has not completed its review of the proposed abandonment. Therefore, we recommend that Louisiana & Delta Railroad, Inc. consult with EPA prior to beginning any salvage activities.**
- 3. The U.S. Army Corps of Engineers (Corps) has indicated that it is reviewing the proposed abandonment to determine whether Corps permits are required. Therefore, we recommend that Louisiana & Delta Railroad, Inc. continue consultation with the Corps to determine whether Corps permits are required.**

4. **Based on the comments of the State of Louisiana Department of Environmental Quality, Office of Environmental Service (OES), and in consultation with OES, we recommend that Louisiana & Delta Railroad, Inc. determine (1) whether OES Water Quality Certification is required, contingent to a finding that Corps permits are required; (2) whether a Department of Environmental Quality stormwater general permit is required; (3) whether a Louisiana Pollutant Discharge Elimination System permit is needed; and (4) whether precautionary mitigation measures are needed to protect the groundwater of the region and to control nonpoint source pollution during salvage activities.**
5. **The State of Louisiana Department of Natural Resources, Coastal Management Division has indicated that Louisiana and Delta Railroad must submit a Consistency Certification stating that the proposed abandonment is consistent with the Louisiana Coastal Resources Program. Therefore, we recommend that Louisiana & Delta Railroad, Inc. be prohibited from performing any salvage activities until completion of the Coastal Management Consistency Certification and notification to SEA of such completion, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the prior recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. LDR indicates that it does not own the right-of-way on Avery Island, and following abandonment, the right-of-way will revert to the island's owner. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the

Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-318 (Sub No. 5X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Rini Ghosh at (202) 565-1539.**

Date made available to the public: July 31, 2001.

Comment due date: **August 15, 2001 (15 days).**

By the Surface Transportation Board, Victoria J. Rutson, Acting Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

MAP NEEDS TO BE SCANNED.